

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: )  
)  
Gustave Bergnes et al. )  
)  
Patent No.: 7,557,115 )  
)  
Issued: July 7, 2009 )  
)  
For: COMPOUNDS, COMPOSITIONS, ) Confirmation No.: 1850  
AND METHODS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VIA EFS-WEB**

Sir:

**SUBMISSION OF REQUEST FOR RECALCULATION OF  
PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

In view of the decision in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), the undersigned believes the above-identified application is entitled to additional patent term adjustment. The attached PTO/SB/131 is submitted in accordance with the procedures outlined in the "Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)," posted on the PTO's website on January 28, 2010.

This paper meets the PTO's requirements because patentee's sole basis for requesting reconsideration of the patent term adjustment is the PTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), and the PTO dismissed applicant's prior


request for review of the patent term adjustment based on Wyeth, and that decision was mailed not more than 2 months prior to the filing date of this paper.

In accordance with the PTO's interim procedure, no fee is required with this request. If however, the PTO determines that a fee is required, such fee should be charged to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 11, 2010

By:   
Lauren L. Stevens  
Reg. No. 36,691

Tel: (650) 849-6614  
Email: lauren.stevens@finnegan.com